

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1-49 are pending in the application. Claim 28 remains withdrawn as being directed to a non-elected species. Claims 1, 32, 38 and 45-49 have been amended.

Rejection under 35 U.S.C. § 112

Claim 48 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement given its recitation of the phrase "material may be introduced into the reservoir from a surface communicable with the second portion."

Claims 45-49 have been rejected under 35 U.S.C. § 112, second paragraph, for their recitation of the word "such", and the phrases "each thereof" and "an intended surface".

Applicants have provided appropriate amendment to the claims which is believed to address the Examiner's rejections. Thus, it is kindly requested that the rejections be withdrawn.

Rejection under 35 U.S.C. § 102: Peilet and Vayrette

Claims 1-4, 8-13, 15-16, 19-21, 23, 25, 26, 30, 31 and 47-49 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peilet (U.S. Patent 4,143,667); and claims 1-4, 8-17, 19-23, 25-26, 29-31, 38-43 and 47-49 were rejected under 35 U.S.C. § 102(e) as being anticipated by Vayrette al. (U.S. Patent 6,672,314).

Rejection in view of Peilet, Vayrette, Vayrette and Landen, Vayrette and Niedospial, and Vayrette and Chu under 35 U.S.C. § 103

Claims 5-7 were rejected under 35 U.S.C. § 103(a) in view of Peilet and Vayrette, separately; claims 14, 18 and 27 were rejected under 35 U.S.C. § 103(a) in view of Vayrette and Landen (U.S. Patent 3,499,686); claims 24, 44 and 45 were rejected under 35 U.S.C. § 103(a) in view of Vayrette and Niedospial, Jr. (U.S. Patent 6,287,289); and claims 24, 44 and 45 were rejected under 35 U.S.C. § 103(a) in view of Vayrette.

Claims 32-43 and 46 were not addressed by the Examiner under either 35 U.S.C. § 102 or 35 U.S.C. § 103(a).

Independent claim 1 has been amended to recite that the culinary brush recited therein comprises “a handle comprising a plurality of internal surfaces in cross-section which define having a flexible reservoir therein for containing a material, at least one of the plurality of surfaces in cross-section comprising a substantially continuous upward arc diverging from at least one other of the plurality of surfaces in cross-section”. Applicants’ independent claims 32, 38 and 46-49 have been similarly amended.

Independent claim 45 has been amended to recite that the culinary brush recited therein comprises “a handle comprising an opening and a reservoir communicable therewith for dispensing a material, the reservoir being asymmetrical about a longitudinal axis passing through the midpoint of the opening”, and “an arcuate member extending longitudinally across the handle, and comprising a curvature substantially defined by the asymmetry of the reservoir.”

An inspection of any of the references applied to Applicant's claims, as now amended, fails to reveal any basis supporting a finding, or even assertion, of their unpatentability; accordingly, it is respectfully requested that such rejection(s) be withdrawn.

Applicants' reiterate their remarks as applicable to the references applied by the Examiner in the last Office Action. With respect to the claims as amended, however, Applicants take this opportunity to specifically address Peilet and Vayrette.

Neither Peilet, with its container 132, nor Vayrette, with regard to the cross-section of its reservoir 4 as shown in its Figure 2, for example, provide for Applicants' featured geometrical configuration of its reservoir. This is true with respect to recitation of both (1) an internal reservoir surface in cross-section that presents a substantially continuous upward arc and which diverges from another of an internal reservoir surface in cross-section and (2) a reservoir of asymmetrical configuration together with an appended arcuate member, the curvature of which is substantially defined by the reservoir's asymmetry.


These configurations distinguish from Peilet and Vayrette, and enable many advantages, including at least those mentioned at paragraph [0021] of Applicants' specification as filed. Moreover and unlike these references, one of ordinary skill in the art will readily appreciate that the configurations now provided by Applicants' claims allow a user to contour his or her hand against the handle commensurate with and in the direction of the hand's natural extension. This, as will be appreciated, enables an increased focus on controlling the force to be applied against the handle, and not maintaining of the required grip necessary for such application. Peilet and

Vayrette lack the availability for the aforementioned contour, and accordingly, thereby possess a lesser degree of control over the application of force to their constructions.

Thus, in view of the above, it is respectfully submitted that further rejection of the claims under either 35 U.S.C. § 102 or 35 U.S.C. § 103(a) is not appropriate; and thus, it requested that such rejection be withdrawn.

In light of the foregoing amendments and remarks, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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